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8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA**

10 RALPH FULLER,

11 Petitioner,

12 vs.

13 BRIAN WILLIAMS, *et al.*,

14 Respondents.
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Case No. 2:14-cv-1783-JCM-CWH

ORDER

17 This action is a *pro se* petition for a writ of habeas corpus filed pursuant to 28 U.S.C. § 2254
18 by a Nevada state prisoner. Neither a filing fee nor an application to proceed *in forma pauperis* was
19 submitted with the petition. When filing a habeas petition, the petitioner must either submit the
20 \$5.00 filing fee for habeas petitions or an application to proceed *in forma pauperis*.

21 Due to the lack of an *in forma pauperis* application or filing fee, the present action will be
22 dismissed without prejudice to the filing of a new petition in a new action with a pauper application
23 with all required attachments. It does not appear from the papers presented that a dismissal without
24 prejudice would result in a promptly-filed new petition being untimely. In this regard, plaintiff at all
25 times remains responsible for calculating the running of the limitations period as applied to his case
26 and properly commencing a timely-filed habeas corpus action.

27 **IT THEREFORE IS ORDERED** that this action is **DISMISSED** without prejudice to the
28 filing of **a new petition in a new action**.

James C. Mahan
UNITED STATES DISTRICT JUDGE